

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Satoshi BAN et al.

Serial No. 09/003,812

Filed: 07 January 1998



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APR 19 2001

Technology Center 2600

Group Art Unit: 2644

Examiner: L. Grier

For: MULTIPURPOSE EARPHONE SET (as amended)

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Dear Sir:

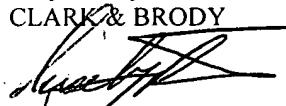
Transmitted herewith is a **REQUEST FOR RECONSIDERATION** in the above identified application.

- No additional fee is required.  
 Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
 A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.  
 Also attached: 1. VERIFIED TRANSLATION OF PRIORITY DOCUMENT 2. CHANGE OF ADDRESS

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	7	20	0	x \$ 18 =	\$ 0.00
Independent Claims	3	3	0	x \$ 78 =	\$ 0.00
If multiple claims newly presented, add \$260.00					\$0.00
Fee for extension of time					\$0.00
<b>TOTAL FEE DUE</b>					<b>\$ 0.00</b>

- A check in the amount of \$0.00 is attached  
 The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 50-1088, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,  
CLARK & BRODY
  
 Israel Gopstein  
Registration No. 27,333
1750 K Street, N.W. Suite 600  
Washington, D.C. 20006  
Date: April 18, 2001(202) 835-1111  
(202) 835-1755 (fax)



Docket No.: 041-1987

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
Satoshi BAN et al. :  
Serial No. 09/003,812 :Group Art Unit:2644  
Filed: 07 January 1998 :Examiner L. Grier  
For: MULTIPURPOSE EARPHONE SET (as amended)

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Technology Center 2600

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

In response to the Official Action mailed January 18, 2001, applicants courteously request reconsideration and withdrawal of the rejections set forth therein for the following reasons.

Applicants' invention is set forth in pending claims 1-7.

In the outstanding Official Action, the Examiner rejects claims 1-2 and 4-6 under 35 USC 102 as being anticipated by Tuoriniemi et al. USP 5,978,689. The Examiner further rejects claims 3 and 7 under 35 USC 103 as being unpatentable for obviousness over Tuoriniemi et al. USP 5,978,689, in view of Slater '187 and Lansang '127, respectively.

Applicants respectfully submit that the art and combinations of art applied against applicants' claims references are ***not prior art against the present application***, and

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accordingly that reconsideration and withdrawal of the Official Action is in order.

More particularly, the Tuoriniemi et al '689 reference, which is applied to claims 1-2 and 4-6 under 35 USC 102 and to claims 3 and 7 under 35 USC 103, has a provisional filing date of July 9, 1997.

On the other hand, the present application claims priority of a Japanese application filed in January 8, 1997.

In order to perfect the claim for priority, applicants submit herewith a verified translation of the Japanese reference.

Accordingly, applicants are entitled to a priority date as set forth in the Declaration and Application Request Form. As such, the applied '689 reference is not available as prior art. Each rejection in the outstanding Official Action relies on the '689 reference. It is accordingly submitted that each such rejection is not supported by the art available as *prior* art against the present application.

Having thus perfected their claim for priority, and having eliminated the applied reference or combination of references as available prior art, it is respectfully submitted that reconsideration and withdrawal is in order of the only rejections pending against the application.

In view of the foregoing, and upon withdrawal of the only rejections pending in the Office Action, it is respectfully submitted that the application is in condition for

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allowance and an early indication of the same is courteously solicited. In order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, the Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number if any further comments, questions or suggestions arise in connection with the application.

Respectfully submitted,

CLARK & BRODY



Israel Gopstein  
Registration No. 27,333

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